

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NICOLE VILLANUEVA, :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 04-0258 JJF
 :
 CHRISTIANA CARE HEALTH SYSTEM, INC., :
 :
 Defendant. :

MEMORANDUM ORDER

Pending before the Court is the Motion To Compel Discovery (D.I. 13) filed by Defendant Christiana Care Health Services, Inc. ("Christiana Care") on February 11, 2005.

On April 21, 2004, Plaintiff, Nicole Villanueva, sued Christiana Care pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq., as amended by the Pregnancy Discrimination Act of 1978, 42 U.S.C. § 2000e(k). In her Complaint, Ms. Villanueva alleges employment discrimination due to Ms. Villanueva's pregnancy.

The fact discovery period closed on February 28, 2005. By its Motion, Christiana Care alleges that, on November 9, 2004, Christian Care served by first-class mail its First Set Of Interrogatories and its First Request For Production Of Documents directed to Plaintiff. Christian Care also requested Ms. Villanueva to sign and return medical release forms. Ms. Villanueva's discovery responses were due on or before December 13, 2004, but Christiana Care never received them. On January 11, 2005, Christiana Care wrote to Plaintiff's counsel advising

her that the discovery responses were past due. Plaintiff's counsel did not respond to the January 11 letter, and Plaintiff did not file an answer to Christiana Care's motion.

The Court concludes that Ms. Villaneuva has failed to produce discovery requested by Christian Care. Further, the Court concludes that Christian Care has in good faith attempted to confer with Ms. Villanueva's counsel before filing its motion with the Court.

NOW THEREFORE, IT IS HEREBY ORDERED that:

(1) The Motion To Compel Discovery (D.I. 13) filed by Defendant Christian Care Health Services, Inc. is **GRANTED**.

(2) Plaintiff shall provide responses to Defendant's discovery requests **no later than Friday, August 12, 2005**.

(3) Defendant shall submit a statement of attorney's fees and costs associated with its Motion To Compel Discovery (D.I. 13).

July 28, 2005
DATE


UNITED STATES DISTRICT JUDGE